IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1890 OF 2007

Arunkumar @ Babbu Ramraj. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.A.S.Rajadhayaksha, Adv. for the Applicant.
Mrs.A.S.Pai, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 21st June, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.79 of 2007 of Malad Police Station. The said case is under Section 302 of IPC.

3. There was some verbal quarrel between Subhash (deceased) and one other on one side and the applicant and coaccused on the other side. This dispute was in relation to supply of water and dues of the society. During the said quarrel, the coaccused and the applicant started assaulting

Subhash with fist and kick blows. During the said quarrel the coaccused gave a forcible punch on the chest of Subhash and pushed him, due to which Subhash fell down and sustained severe injuries on the rear side of his head. Thereafter the victim was moved to hospital where he was declared dead.

4. As far as the applicant is concerned, the only role attributed to him is assaulting by kicks and blows. The applicant has not been attributed the role due to which victim Subhash fell down and sustained severe injuries on his head. From the material on record, it cannot be said that the applicant had any intention or knowledge that the incident would result in the death of Subhash.

5. In this view of the matter, I am inclined to grant bail to the applicant.

6. The applicant- Arunkumar @ Babbu Ramraj to be released on bail in the sum of Rs.15,000/- with one or two sureties to make up the said amount. The applicant shall not enter within the jurisdiction of Malad Police Station and Goregaon Police Station, till conclusion of the trial.

Before being released on bail the applicant shall inform the officer of Malad Police Station the address at which he will reside during the period that he is on bail. The applicant shall report to the nearest police station to that address once in a fortnight, till conclusion of the trial.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)